GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:3379
ANSWERED ON:22.03.2017
Video Recording of Proceedings
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Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Government has considered video recording of proceedings in all courts of the country and if so, the details thereof and if not, the reasons therefor;
(b) whether such a recording is the fundamental right of a citizen and denying the same breaches Article 21 of the Constitution as right to information forms an integral part of right to life and if so, the details thereof ;
(c) the circumstances under which such recording are permissible; and
(d) whether the Government has received petitions regarding the same and if so, the details thereof and the response of the Government thereto?

Answer

ANSWER
MINISTER OF STATE FOR LAW AND JUSTICE
AND ELECTRONICS AND INFORMATION TECHNOLOGY
(Shri P. P. CHAUDHARY)

(a) to (d): The decision on video recording of proceedings in all courts of the country lies within the domain of judiciary. The Government has been receiving suggestions for the implementation of audio-video recording of court proceedings. The issue has also been discussed in the meetings of Advisory Council of National Mission for Justice Delivery and Legal Reforms. In the meeting of eCommittee of the Supreme Court of India held on 8th January, 2014, Hon'ble Chief Justice of India advised deferment of audio-video recording of court proceedings as this would require consultations with Hon'ble Judges of Supreme Court and High Courts.

The matter was taken up with Hon'ble Chief Justice of India.
It was taken up for discussion by the full court of the Supreme Court. No consensus on the subject could emerge. On audio-video recording, in Writ Petition (Criminal) No.99 of 2015 (Pradyuman Bisht versus Union of India & others), Supreme Court of India has sought a report from senior counsel on functioning of CCTV cameras (without audio recording) at Gurugaon Courts and after receipt of report, the Supreme Court of India may consider directing installation of CCTV cameras (without audio recording) in one district in every state, under the directions of the concerned High Courts.

Order XVIII Rule 4(3) of the Code of Civil Procedure enables a court to record evidence either in writing or mechanically in the presence of the Judge. Sections 161(3), 164 and 275 of the Code of Criminal Procedure permit recording of evidence of certain witnesses by video electronic means. The Delhi High Court has issued Video-Conferencing guidelines for the conduct of Court Proceedings between courts and remote sites.